

1 **PHARMACY BENEFITS MANAGER OR COORDINATOR**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Evan J. Vickers**

6 House Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Pharmacy Practice Act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires a pharmacy benefits manager or coordinator that uses direct or indirect
14 remuneration to report certain information to pharmacies; and
15 ▶ prohibits a pharmacy benefits manager or coordinator from preventing a pharmacist
16 from disclosing cost information to a patient.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **58-17b-626**, Utah Code Annotated 1953

24
25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **58-17b-626** is enacted to read:

27 **58-17b-626**. **Direct or indirect remuneration by pharmacy benefits managers --**



28 **Disclosure of customer costs.**

29 (1) As used in this section:

30 (a) "Cost" means the amount paid by a customer:

31 (i) with or without coverage by a health benefit plan;

32 (ii) with or without copays, deductibles, or coinsurance; and

33 (iii) with or without assistance from a drug manufacturer or others.

34 (b) (i) "Direct or indirect remuneration" means any adjustment in the total

35 compensation:

36 (A) received by a pharmacy from a pharmacy benefits manager for the sale of a drug,
37 device, or other product or service; and

38 (B) determined after the sale of the product or service.

39 (ii) "Direct or indirect remuneration" includes performance-based adjustments.

40 (c) "Health benefit plan" means the same as that term is defined in Section [31A-1-301](#).

41 (d) "Sale" means a sale covered by Medicare Part D, 42 U.S.C. Sec. 1395w et seq.

42 (2) If a pharmacy benefits manager or coordinator uses direct or indirect remuneration,
43 the pharmacy benefits manager or coordinator shall report to the pharmacy:

44 (a) the amount of direct or indirect remuneration related to the sale;

45 (b) the reason for the direct or indirect remuneration; and

46 (c) if the direct or indirect remuneration is a reduction in total compensation, what the
47 pharmacy can do to prevent the direct or indirect remuneration in the future.

48 (3) The report described in Subsection (2) shall be sent to a pharmacy no later than 90
49 days after the pharmacy benefits manager or coordinator receives a report of a sale of a product
50 or service by the pharmacy.

51 (4) A pharmacy benefits manager or coordinator may not prohibit a pharmacy from
52 disclosing the cost of a drug, device, or other product or service sold by the pharmacy to a
53 patient or to the public.